

DEPARTMENT OF ENERGY  
OFFICE OF NUCLEAR ENERGY

Global Nuclear Energy Partnership (GNEP)  
Programmatic Environmental Impact Statement

Office of Nuclear Energy  
U.S. Department of Energy

Public Hearing and Invitation to Comment

November 17, 2008

7:37 p.m.

Lea County Event Center

5101 North Lovington-Hobbs Highway

Hobbs, New Mexico

BEFORE: Mr. Barry Lawson

REPORTED BY:

Mary Abernathy Seal, RDR, CRR, CCR 69

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Professional Court Reporting Service

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Albuquerque, New Mexico 87102

(1448D) MAS

1           MR. LAWSON: Folks, we're ready to start.

2       Okay.

3           It's now time to receive your formal  
4       comments on the scope of the proposed PEIS. This is  
5       your opportunity to let DOE know what you would like  
6       to see addressed in the draft document.

7           Our court reporter this evening is Mary  
8       Seal, over to my left, and she will be transcribing  
9       your statement. Let me review just a few ground  
10      rules for your formal comments. These were listed  
11      on a sheet that was available to you as you came in,  
12      and are displayed on the large board over there to  
13      my left. I'd ask you to please step to the  
14      microphone that's over here on the left, that  
15      Mr. Golub used, when your name is called. Introduce  
16      yourself, providing an organization affiliation  
17      where you think it's appropriate. If you have a  
18      written version of your statement, please provide a  
19      copy to the court reporter or to me after you have  
20      completed your remarks.

21          Also, please give the reporter any  
22      additional attachments of statements that you wish  
23      to have entered into the transcript. Each will be  
24      labeled and submitted for inclusion in the formal  
25      record. I only have three names, but if I have

1 more, I would name two or three at a time, so that  
2 you know that you're on deck.

3 Let's see. I would like to have people  
4 have five minutes. We're going to have less than  
5 that, but I think five minutes to speak. I'll let  
6 you know when you have a minute left. Now, I would  
7 ask you, as your time expires, to please conclude  
8 your comments as gracefully as possible. However,  
9 if you wish to add comments beyond your five  
10 minutes, you may do so either in written form or you  
11 may return after all of the speakers have had their  
12 first opportunity to make comments.

13 Mr. Golub will be serving as the hearing  
14 officer for the Department of Energy during this  
15 comment period, and he will not be responding to any  
16 questions or comments that you make during the  
17 formal session.

18 Just a word about how long we will be  
19 here. We'll be here long enough to take all of the  
20 comments that people have. If it turns out that we  
21 only have three or four speakers right now, we'll  
22 take those speakers, I will recess for a while, and  
23 we'll just see how long is practical for us to stay  
24 here. Maybe 8:30, maybe 9:00, depending on how many  
25 people would like to speak. You're certainly

1 welcome to stay during a recess. You may change  
2 your mind and want to make a comment, or perhaps you  
3 want to stay around in case somebody else does.

4 Let's see. I have speakers here, and the  
5 first speaker I have is Mr. E.D. Sterling, and he'll  
6 be followed by Johnny Cope. Mr. Sterling.

7 MR. STERLING: E.D. Sterling here. I  
8 attended the last GNEP meeting, and I came here  
9 prepared to comment about the results and the  
10 comments made during that meeting, which was headed  
11 by a Ph.D., a witness for the group from the Lea and  
12 Eddy County Nuclear Alliance, and they painted a  
13 real rosy picture about all of what the GNEP is  
14 looking for, ample water supply, ample labor supply,  
15 plenty of land. Never told you who owned the land,  
16 got part of that \$2 million money that was coughed  
17 up by GNEP for the group down in Eddy County, Lea  
18 County and the Roswell group. And I guess I get  
19 kind of nasty-tempered about it, because the people  
20 in Lea County have a little bit of a hard time to  
21 come out here to the Event Center, when they could  
22 easily have it in town where it's accessible to all  
23 the people who have irons in the fire, a stake in  
24 all this.

25 The NES that came out here east of Eunice,

1 was proposed out there, is a good site, giving  
2 employment to the people of Lea County. But as it  
3 turned out, a considerable amount of the employees  
4 that were hired out there came from Europe, the  
5 eastern United States, Pakistan, India, and Africa,  
6 and I imagine there are still a bunch of them out  
7 there like that. So good luck, Lea County, with  
8 your employment out there.

9           They said that there was ample water  
10 supply here in Lea County to support a 5,000-man  
11 operation out at the intersection of 176 and 62/180  
12 Highway. We don't know who owns that land, but it  
13 sure piqued my curiosity to find out who the owners  
14 are, who the members of the Eddy County/Lea County  
15 Alliance are. Nobody has ever put that in the  
16 paper. I asked Kathi Bearden, the publisher of the  
17 News-Sun, if she had a reporter out here, and where  
18 she got the information. In other words, no  
19 reporter; nobody was interested anyway.

20           But I guess we're the last ones to be  
21 concerned. We're only the taxpayers and citizens  
22 and people who contend with this thing over the  
23 years. I believe the figure that they mentioned was  
24 5,000 acre-feet required of water a year. I have  
25 three acres north of Hobbs, and I don't plan on

1     relinquishing any of those 3 acre-feet of water  
2     rights, because when they draw down on the Oglala  
3     Aquifer anywhere, they're drawing it down throughout  
4     this county and over into Texas, and on up north, go  
5     up into the Dakotas. So you don't draw down one  
6     place and not another. There we are. Where is all  
7     that ample water supply?

8             They said they had a stable geologic  
9     formation out there where they want to put the site,  
10    but since I'm familiar with the area at Laguna  
11    Gatuna, the playa, if you would, out on 62/180,  
12    there was already a lawsuit over contamination of  
13    the playa by the Schneider Ranch people some years  
14    ago reported in the News Sun about oil  
15    contamination.

16            Now, if the geologic formation allows oil  
17    contamination, you got to believe it's going to  
18    allow any other kind of contamination. And it's not  
19    as stable as they'd like you to believe. This group  
20    has irons in the fire, and I don't know what they  
21    are, and the newspaper prints absolute zero about  
22    it. All they do is report to meetings and don't  
23    report anything else. I didn't see Kathi Bearden  
24    here. No, she isn't. I guess this wasn't a very  
25    important meeting either. She's the publisher of

1 the News-Sun. I guess you aren't too important.

2           Anyway, I was going to come out and  
3 present a diatribe, and I think I presented my  
4 diatribe, but I think there are some facts there  
5 that need to be looked at. Where is the water  
6 coming from? How dangerous are the nuclear plants  
7 to the people of Lea County? You'll get no water  
8 from Eddy County. Forget that. They are already up  
9 to their neck in lawsuits with Texas over that  
10 water. So the only water available is water off of  
11 my three acres out north of town here. So I'd like  
12 to know from the people in the alliance where they  
13 are planning on getting their water from.

14           That's all I have to say. God help us  
15 all.

16           MR. LAWSON: Thank you, Mr. Sterling. Our  
17 next speaker will be Johnny Cope, and followed by  
18 Sam Spencer.

19           MR. COPE: Good evening. My name is  
20 Johnny Cope. I'm the past president of the Eddy/Lea  
21 Energy Alliance, Mr. Sterling. And I certainly  
22 respect your comments, which are mostly inaccurate.  
23 I just wanted to give comment that the Eddy/Lea  
24 Energy Alliance was organized to be the GNEP permit  
25 application which certainly the Department of Energy

1     was good enough to let us have the grant to do a  
2     site study of the site halfway between Hobbs and  
3     Carlsbad, and certainly the scientific data will  
4     demonstrate that it certainly is a good site,  
5     separating all of the personal feelings.

6             We're not here tonight to decide a site  
7     specific, which certainly you made comment to, so I  
8     don't want to address that. But what I want to do  
9     is support the idea and the concept of the PEIS that  
10    a closed-fuel cycle is certainly something that we  
11    feel our nation and our country needs for continued  
12    energy growth in America, and without nuclear power,  
13    certainly our nation is going to be more dependent  
14    on oil from foreign sources. And certainly I'm an  
15    oil and gas guy, and want to support domestic oil  
16    and gas industry, but it's so important that we  
17    continue to grow the nuclear power in our country  
18    and for the nuclear power plants to continue to  
19    grow, they have got to have solutions to solve their  
20    waste streams.

21            Yucca Mountain, if we go with a no-action  
22    energy plan, certainly 100 percent of the waste  
23    stream goes into Yucca Mountain. If we do a  
24    recycling facility of whichever type energy -- I  
25    mean, technology that we use, we possibly can shrink

1 the waste stream by 95 percent, therefore, creating  
2 better energy solutions than just disposing of it.

3 So I'm here as a member of this alliance  
4 to show support of the record of decision from the  
5 Department of Energy to continue to pursue an open  
6 or a closed-loop system which certainly lacks a  
7 final decision, but we're proud that you're going  
8 through this process, and we continue to look for  
9 alternatives that solve the waste stream issues for  
10 nuclear power plants.

11 Obviously, with the rebirth of the  
12 legislation that Senator Domenici did, it gives us  
13 an opportunity to have new power plants to grow the  
14 energy needs of our nation, and I think it's a very  
15 great opportunity for this process to resolve the  
16 needs that our country has by solving the waste  
17 issues. And so I'm just here to say that our  
18 alliance supports the movement forward with your  
19 record of decision. So thank you.

20 MR. LAWSON: Thank you. Just a  
21 clarification. The formal record of decision has  
22 not been made yet, but we have the environmental  
23 impact statement.

24 Mr. Spencer. Sam Spencer, please.

25 MR. SPENCER: My name is Sam Spencer. I'm

1 the vice-chairman of the Economic Development  
2 Corporation of the County. And I would like to  
3 commend the DOE on their release of the programmatic  
4 draft. We support the thought of closing the  
5 nuclear fuel cycle in this country. We also believe  
6 it's important to our national security.

7 The DOE's PEIS is generally consistent  
8 with the industry's thoughts on closing that fuel  
9 cycle with one important exception, and that appears  
10 to be the interim storage, which is just one of  
11 three important issues involved in the process.  
12 Interim storage, robust research development, and  
13 the demonstration in the reactors that this program  
14 will actually work, and then development of a  
15 permanent suitable storage facility for the leftover  
16 material. We will submit a written copy of our  
17 comments in more detail. We appreciate the  
18 opportunity to be here tonight.

19 MR. LAWSON: Thank you, Mr. Spencer.  
20 Appreciate it.

21 Is there anyone else who would like to  
22 speak at this time?

23 Okay. As I announced earlier, we'll take  
24 a recess, and the recess will go until I have  
25 somebody else who would like to speak, or we're

1 getting close to the time where I deem that we  
2 probably have no other comments.

3 So you're welcome to stay around and  
4 certainly ask questions, have a discussion. If you  
5 change your mind, would like to make a statement,  
6 you're certainly encouraged to do so, and there are  
7 written forms back there if you choose to make a  
8 written comment after you leave this meeting  
9 tonight, or if you want to submit a written comment  
10 tonight. This meeting is now recessed.

11 Just one other comment while we're in  
12 recess. Because there may be some people who would  
13 love to give a comment orally, but may feel a little  
14 intimidated or prefer to do it in private, the court  
15 reporter has offered to take individual comments,  
16 not in the public, necessarily, but just to come up  
17 and talk to her, if you'd like to do that. If you  
18 do, let me know ahead of time so I know who you are.  
19 Thanks.

20 (Recess from 7:51 p.m. to 8:14 p.m.)

21 MR. LAWSON: I don't believe there's  
22 anybody else who would like to speak. Would you  
23 folks like to speak? Okay, great.

24 If this is the case, then I'm going to  
25 conclude this public hearing on the draft EIS. I

1 want to thank everybody for their participation and  
2 their comments.

3 Also, for the record, I want to please  
4 note that you may continue to submit comments in the  
5 scope of the PEIS until the comment period closes on  
6 December 16, essentially one month. Check your  
7 packet for specific information and how and where to  
8 submit these comments.

9 Again, another reminder, that the comment  
10 sheets are in the back of the room. I would also  
11 indicate that we have a meeting tomorrow morning at  
12 8:00 in Carlsbad. That's tomorrow morning, the open  
13 house, and then at 9:00 the public hearing.

14 And tomorrow night we'll be in Roswell,  
15 again with the open house at 6:00, and the comments  
16 being taken at 7:00. So Mr. Golub, do you have any  
17 other comments you'd like to make?

18 MR. GOLUB: No, Barry.

19 MR. LAWSON: Okay. Well, thank you very  
20 much for attending, and this meeting is now  
21 adjourned.

22 (The proceedings concluded at 8:16 p.m.)  
23  
24  
25

1 STATE OF NEW MEXICO

SS

2 COUNTY OF BERNALILLO

3  
4 REPORTER'S CERTIFICATE

5 I, MARY ABERNATHY SEAL, New Mexico

6 Certified Shorthand Reporter, DO HEREBY CERTIFY that

7 I did administer the oath to the witness herein

8 prior to the taking of this deposition, and that I

9 did report in stenographic shorthand the proceedings

10 set forth herein, and the foregoing is a true and

11 correct transcription of proceedings.

12 I FURTHER CERTIFY that I am neither

13 employed by nor related to any of the parties or

14 attorneys in this case, and that I have no interest

15 whatsoever in the final disposition of this case in

16 any court.  
17

18 \_\_\_\_\_  
Mary Abernathy Seal

Certified Court Reporter #69

19 License expires: 12/31/08  
20

(1448D) MAS

21 Date taken: November 17, 2008

Proofread by: KW  
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